

08/04/2008

11/01/05

Express Mail Label No. EV 410 060 526 US
Attorney Docket No. 2072/US/2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Gary Piaget et al.

Application No. 10/789,182

Filed: February 26, 2004

For: DUAL DECK EXERCISE DEVICE

Confirmation No.: 5273

Art Unit: 3764

Examiner: Not Yet Assigned

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**INFORMATION DISCLOSURE STATEMENT**
(Under 37 C.F.R. § 1.97(b)(3) and § 1.98) and AND
STATEMENT OF RELATEDNESS (Under M.P.E.P. § 2001.06(b))

Sir:

The Information Disclosure Statement submitted herewith is being filed before the mailing of a first Office action in the above-referenced case.

The Examiner is requested to consider the references noted on the enclosed Form PTO-1449 during examination of the above-identified patent application. The references are submitted for the Examiner's consideration and are submitted pursuant to the duty of disclosure under 37 C.F.R. § 1.56. In submitting the references, no representation is made or implied that the references are or are not material to the examination of the application. The Examiner is encouraged to make his or her own determination of materiality. Pursuant to the U.S. Patent and Trademark Office's July 11, 2003 waiver of the requirements of 37 C.F.R. § 1.98(a)(2)(i), only copies of the foreign references and other documents are provided. Copies of the U.S. patent references are not provided.

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Pursuant to 37 C.F.R. § 1.98(a)(3)(i), any information disclosure statement filed under 37 C.F.R. § 1.97 shall include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 C.F.R. § 1.56(c) most knowledgeable about the content of the information, of each patent, publication or other information listed that is not in the English language. The concise explanation may be either separate from the specification or incorporated therein.

German patent No. DE 29 19 494 to Kummerlin et al shows an exercise apparatus with a left and a right foot plate (6). The front of each foot plate is supported at the end of adjustable length respective crank arms (3). Each crank arm is arranged to rotate about a common axis. The rear of each foot plate supports a pair of wheels (7), which roll back and forth in respective track (8) to translationally support the rear of the plates. During use, the front of each foot plate follows a circular path at the end of the respective crank arms. The rear of each foot plate reciprocates. Between the ends of the plates, where a user places his foot (10), the foot plates follow a generally elliptical path. Arm exercise members (11) are adjustable supported (14) to the front ends of each foot plate. As such, the arm members move in a pattern governed by the circular path of the front of each foot plate.

Also, the following foreign references are not in the English language:

- (1) German patent Nos. 27 25 342, 24 08 052, 24 08 055, 25 28 414, 36 01 184 A1, and 38 39 391 A1;
- (2) French patent Nos. 1 565 617 and 2 616 132;
- (3) Japanese patent No. 51-10842;
- (4) Soviet Union patent No. 546523, 1297879, 1 567 221 A1, and 1265113 A1;
- (5) Taiwan patent No. 54102; and
- (6) International publication No. WO 81/01960.

Therefore, in compliance with 37 C.F.R. § 1.98(a)(3)(i), an English translation of the abstract (from Derwent or esp@cenet Database – Worldwide located at <http://ep.espacenet.com>), or complete English translations are attached to these patents, which are enclosed, to satisfy the requirement for a concise explanation of relevance.

In satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and as required by M.P.E.P. § 2001.06(b), the Examiner is requested to consider the following applications

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commonly owned by the Assignee of the present application and that may include subject matter similar to that of the present application:

- (1) U.S. application No. 10/789,294, filed February 26, 2004 (Atty. Dkt. No. 2071/US/2), pending;
- (2) U.S. application No. 29/176,966, filed February 28, 2003 (Atty. Dkt. No. 2074/US), pending;
- (3) U.S. application No. 10/789,579, filed February 26, 2004, (Docket No. 2076/US/2) pending;
- (4) U.S. application No. 10/875,049, filed June 22, 2004 (Atty. Dkt. No. 33270/US/2), pending;
- (5) U.S. application No. 09/139,708, filed August 26, 1998 (Atty. Dkt. No. 33396/US/5);
- (6) U.S. application No. 10/962,356, filed October 8, 2004 (Atty. Dkt. No. 33526/US/2), pending;
- (7) U.S. application No. 10/637,628, filed August 11, 2003 (Atty. Dkt. No. 34037/US), pending;
- (8) U.S. application No. 29/201,898, filed March 22, 2004 (Atty. Dkt. No. 34105/US), pending; and
- (9) U.S. application No. 29/211,459, filed August 10, 2004 (Atty. Dkt. No. 34769/US), pending.

Pursuant to 37 C.F.R. §§ 1.97(b)(3) no fees are due with respect to this filing. However, should any fees be deemed necessary, such fees may be charged to Deposit Account No. 04-1415.

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If the Examiner has any questions, please contact the undersigned attorney.

Dated: 6 Jan 2004

Respectfully submitted,



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Enclosures



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FORM 201-1449 U.S. DEPARTMENT OF COMMERCE (Mod. 02-99) PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	ATTY. DOCKET NO.	APPLN. NO.
	2072/US/2	10/789,182
	APPLICANT:	
	Gary Piaget et al.	
	FILING DATE	GROUP
	February 26, 2004	3764

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	PATENT NUMBER	PATENTEE	ISSUE DATE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	Des.207,541	Hesen	05/02/67			
	Des.211,801	Quinton	07/30/68			
	Des.263,978	Brentham	04/20/82			
	Des.280,224	Wilson	08/20/85			
	Des.283,239	Smith et al.	04/01/86			
	Des.284,597	Smith et al.	07/08/86			
	Des.289,668	Gremontprez et al.	05/05/87			
	Des.303,414	Armstrong et al.	09/12/89			
	Des.313,826	Birrell et al.	01/15/91			
	Des.321,734	Dunham et al.	11/19/91			
	Des.328,770	Henderson et al.	08/18/92			
	Des.373,805	Rawls et al.	09/17/96			
	Des.376,828	Conley et al.	12/24/96			
	Des.400,941	Allen	11/10/98			
	Des.406,621	Piaget	03/09/99			
	Des.407,771	Garza	04/06/99			
	Des.421,779	Piaget et al.	03/21/00			
	Des.429,509	Garza	08/15/00			
	219,439	Blend	09/09/1879			
	321,388	Ruebsam	06/30/1885			
	625,905	Souder	05/30/1899			
	663,486	Boren	12/11/00			
	683,124	Lange	09/24/01			
	782,010	Dodge	02/07/05			
	783,769	Wright	02/28/05			
	881,521	Wilson	03/10/08			
	931,394	Day	08/17/09			
	956,681	Clarke	05/03/10			
	1,015,072	Reach	01/16/12			
	1,020,777	Peterson	03/19/12			
	1,166,304	Albert	12/28/15			
	1,239,077	Begg	09/04/17			
	1,587,749	Bierly	06/08/26			
	1,715,870	Spain	06/04/29			
	1,824,406	Petersime	09/22/31			
	1,850,530	Brown	03/22/32			
	1,870,244	Elston	08/09/32			
	1,902,694	Edwards	03/21/33			
	1,928,089	Blickman	09/26/33			
	1,969,901	Pilates	08/14/34			
	1,973,945	Chavin et al.	09/18/34			
	2,209,034	Paul	07/23/40			
	2,239,076	Biedess	04/22/41			
	2,239,687	Parker	04/29/41			
	2,374,730	Catlin	05/01/45			

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	2,380,221	Cundall	07/10/45			
	2,399,915	Drake	05/07/46			
	2,425,860	Brady	08/19/47			
	2,434,760	Eggleston	01/20/48			
	2,603,486	Hughes	07/15/52			
	2,855,200	Blickman	10/07/58			
	2,866,538	Goldberg	12/30/58			
	3,082,433	Ferranti	02/20/62			
	3,127,171	Noland et al.	03/31/64			
	3,295,847	Matt, Sr.	01/03/67			
	3,312,466	Melchiona	04/04/67			
	3,316,898	Brown	05/02/67			
	3,319,767	Breternitz et al.	05/16/67			
	3,348,678	Flowers	10/24/67			
	3,378,259	Kupchinski	04/16/68			
	3,427,019	Brown	02/11/69			
	3,444,830	Doetsch	05/20/69			
	3,473,843	Hart	10/21/69			
	3,497,215	Harrison et al.	02/24/70			
	3,501,040	Martee	05/17/70			
	3,501,140	Eichorn	03/17/70			
	3,511,500	Dunn	05/12/70			
	3,525,522	Piller	08/25/70			
	3,529,474	Olson, et al.	09/22/70			
	3,559,986	Ehrmantraut	02/02/71			
	3,586,322	Kverneland	06/22/71			
	3,589,715	Mark	06/29/71			
	3,590,980	Bengtsson	07/06/71			
	3,592,466	Parsons	07/13/71			
	3,602,502	Happel	08/31/71			
	3,614,097	Blickman	10/19/71			
	3,627,313	Schonfeld	12/14/71			
	3,628,654	Haracz	12/21/71			
	3,638,941	Kulkens	02/01/72			
	3,642,279	Cutter	02/15/72			
	3,643,945	Erwin, Jr. et al.	02/22/72			
	3,647,209	La Lanne	03/07/72			
	3,659,845	Quinton	05/02/72			
	3,689,066	Hagen	09/05/72			
	3,703,284	Hesen	11/21/72			
	3,709,487	Walker	01/09/73			
	3,711,812	Cherry	01/16/73			
	3,731,917	Townsend	05/08/73			
	3,741,538	Lewis et al.	06/26/73			
	3,741,540	Shimizu	06/26/73			
	3,747,924	Champoux	07/24/73			
	3,759,511	Zinkin et al.	09/18/73			
	3,770,267	McCarthy	11/06/73			
	3,814,420	Encke	06/04/74			
	3,826,491	Elder	07/30/74			
	3,870,297	Elder	03/11/75			
	3,874,657	Niebojewski	04/01/75			

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	3,892,404	Martucci	07/01/75			
	3,896,925	Mitsui et al.	07/29/75			
	3,918,710	Niebojewski	11/11/75			
	3,948,351	Baumann	04/06/76			
	3,956,976	Vogel et al.	05/18/76			
	3,962,595	Eddens	06/08/76			
	3,963,101	Stadelmann et al.	06/15/76			
	3,966,182	Stadelmann et al.	06/29/76			
	4,023,466	Strassheimer	05/17/77			
	4,026,545	Schonenberger	05/31/77			
	4,066,257	Moller	01/03/78			
	4,072,309	Wilson	02/07/78			
	B1 4,072,309	Wilson	03/06/84			
	4,085,344	Eddens	04/18/78			
	4,093,196	Bauer	06/06/78			
	4,131,266	Carter	12/26/78			
	4,140,312	Buchmann	02/20/79			
	4,151,988	Nabinger	05/01/79			
	4,157,179	Ecklor, Jr.	06/05/79			
	4,185,622	Swenson	04/29/80			
	4,194,442	Martelli	03/25/80			
	4,204,673	Speer, Sr.	05/27/80			
	4,240,627	Brentham	12/23/80			
	4,248,476	Phelps	02/03/81			
	4,270,749	Hebern	06/02/81			
	4,300,761	Howard	11/17/81			
	4,316,609	Silberman	02/23/82			
	4,319,747	Rogers	03/16/82			
	4,334,676	Schonenberger	06/15/82			
	4,344,616	Ogden	08/17/82			
	4,350,336	Hanford	09/21/82			
	4,350,913	Eddens	09/21/82			
	4,358,105	Sweeney, Jr.	11/09/82			
	4,363,480	Fisher et al.	12/14/82			
	4,364,556	Otte	12/21/82			
	4,369,968	Silberman et al.	01/25/83			
	4,370,766	Teague, Jr.	02/01/83			
	4,374,587	Ogden	02/22/83			
	4,383,714	Ishida	05/17/83			
	4,411,342	Katsumori et al.	10/25/83			
	4,422,635	Herod et al.	12/27/83			
	4,423,864	Wiik	01/03/84			
	4,445,683	Ogden	05/01/84			
	4,452,448	Ausherman	06/05/84			
	4,462,252	Smidt et al.	07/31/84			
	4,470,597	McFee	09/11/84			
	4,477,071	Brown et al.	10/16/84			
	4,480,832	Bulmash et al.	11/06/84			
	4,492,375	Connelly	01/08/85			
	4,502,679	De Lorenzo	03/05/85			
	4,509,510	Hook	04/09/85			
	4,509,742	Cones	04/09/85			

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	4,521,013	Dofel	06/04/85			
	4,563,001	Terauds	01/07/86			
	4,572,500	Weiss	02/25/86			
	4,576,352	Ogden	03/18/86			
	4,582,320	Shaw	04/15/86			
	4,588,065	Maiden et al.	05/13/86			
	4,591,147	Smith et al.	05/27/86			
	4,600,187	Schenker	07/15/86			
	4,600,196	Jones	07/15/86			
	4,602,770	Ogden	07/29/86			
	4,614,337	Schonenberger	09/30/86			
	4,616,822	Trulaske et al.	10/14/86			
	4,618,144	Gibson	10/21/86			
	4,621,623	Wang	11/11/86			
	4,625,962	Street	12/02/86			
	4,627,619	Roskewell et al.	12/09/86			
	4,629,062	Silverthorn et al.	12/16/86			
	4,632,385	Geraci	12/30/86			
	4,635,927	Shu	01/13/87			
	4,635,928	Ogden et al.	01/13/87			
	4,643,418	Bart	02/17/87			
	4,645,197	McFee	02/24/87			
	4,645,200	Hix	02/24/87			
	4,659,077	Stropkay	04/21/87			
	4,664,371	Viander	05/12/87			
	4,664,646	Rorabaugh	05/12/87			
	4,679,787	Guilbault	07/14/87			
	4,681,316	DeCloux	07/21/87			
	4,687,195	Potts	08/18/87			
	4,690,398	Smith	09/01/87			
	4,708,337	Shyu	11/24/87			
	4,708,338	Potts	11/24/87			
	4,720,093	Del Mar	01/19/88			
	4,726,583	Olsen et al.	02/23/88			
	4,729,558	Kuo	03/08/88			
	4,749,181	Pittaway et al.	06/07/88			
	4,750,735	Furgerson et al.	06/14/88			
	4,757,987	Allemand	07/19/88			
	4,759,540	Yu et al.	07/26/88			
	4,766,996	Gibson	08/30/88			
	4,786,050	Geschwender	11/22/88			
	4,792,134	Chen	12/20/88			
	4,796,881	Watterson	01/10/89			
	4,799,676	Sheppard et al.	01/24/89			
	4,805,901	Kulick	02/21/89			
	4,819,583	Guerra	04/11/89			
	4,826,153	Schalip	05/02/89			
	4,830,362	Bull	05/16/89			
	4,836,543	Holzer	06/06/89			
	4,838,543	Armstrong et al.	06/13/89			
	4,842,266	Sweeney, Sr. et al.	06/27/89			
	4,844,449	Trulaske	07/04/89			

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EXAMINER INITIAL	PATENT NUMBER	PATENTEE	ISSUE DATE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,848,737	Ehrenfield	07/18/89			
	4,852,874	Sleighter, III et al.	08/01/89			
	4,854,577	Sims	08/08/89			
	4,869,494	Lambert, Sr.	09/26/89			
	4,881,934	Harston et al.	11/21/89			
	4,886,266	Trulaske	12/12/89			
	4,905,330	Jacobs	03/06/90			
	4,913,396	Dalebout et al.	04/03/90			
	B1 4,913,396	Dalebout et al.	05/18/93			
	B1 4,913,396	Dalebout et al.	08/09/94			
	B3 4,913,396	Dalebout et al.	06/20/95			
	4,913,423	Farran et al.	04/03/90			
	4,918,766	Leonaggeo, Jr.	04/24/90			
	4,921,247	Sterling	05/01/90			
	4,927,138	Ferrari	05/22/90			
	4,938,473	Lee et al.	07/03/90			
	4,944,518	Flynn	07/31/90			
	4,949,954	Hix	08/21/90			
	4,949,993	Stark et al.	08/21/90			
	4,959,040	Gardner et al.	09/25/90			
	4,974,831	Dunham	12/04/90			
	4,984,810	Stearns et al.	01/15/91			
	4,989,858	Young et al.	02/05/91			
	4,998,725	Watterson et al.	03/12/91			
	5,000,440	Lynch	03/19/91			
	5,002,271	Gonzales	03/26/91			
	5,007,630	Real et al.	04/16/91			
	5,019,029	Calvert	05/28/91			
	5,026,046	DeCoudax	06/25/91			
	5,028,801	Gera	07/02/91			
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	5,061,232	Dietrich et al.	10/29/91			
	5,062,627	Bingham	11/05/91			
	5,067,937	Aschaber et al.	11/26/91			
	5,071,115	Weich	12/10/91			
	5,072,928	Stearns et al.	12/17/91			
	5,078,389	Chen	01/07/92			
	5,078,669	Dietrich et al.	01/07/92			
	5,081,991	Chance	01/21/92			
	5,085,426	Wanzer et al.	02/04/92			
	5,088,729	Dalebout	02/18/92			
	5,090,690	Huang	02/25/92			
	5,100,127	Melnick et al.	03/31/92			
	5,102,380	Jacobson et al.	04/07/92			
	5,102,385	Calvert	04/07/92			
	5,105,931	Lashyro	04/21/92			
	5,109,778	Berkowitz et al.	05/05/92			
	5,110,117	Fisher et al.	05/05/92			

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EXAMINER INITIAL	PATENT NUMBER	PATENTEE	ISSUE DATE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,114,388	Trulaske	05/19/92			
	5,114,389	Brentham	05/19/92			
	5,129,872	Dalton et al.	07/14/92			
	5,129,873	Henderson et al.	07/14/92			
	5,131,895	Rogers, Jr.	07/21/92			
	5,135,216	Bingham et al.	08/04/92			
	5,135,447	Robards, Jr. et al.	08/04/92			
	5,139,470	Wang	08/18/92			
	5,141,479	Vanjani et al.	08/25/92			
	5,160,382	Li	11/03/92			
	5,163,885	Wanzer et al.	11/17/92			
	5,180,353	Snyderman	01/19/93			
	5,183,449	DeCloux	02/02/93			
	5,184,988	Dunham	02/09/93			
	5,188,577	Koung et al.	02/23/93			
	5,190,505	Dalebout et al.	03/02/93			
	5,192,255	Dalebout et al.	03/09/93			
	B1 5,192,255	Dalebout et al.	01/31/95			
	5,199,932	Liao	04/06/93			
	5,203,800	Meredith	04/20/93			
	5,205,800	Grant	04/27/93			
	5,207,621	Koch et al.	05/04/93			
	5,207,622	Wilkinson et al.	05/04/93			
	5,207,628	Graham	05/04/93			
	5,209,714	Sainte et al.	05/11/93			
	5,215,515	Bershadsky	06/01/93			
	5,232,421	Chen et al.	08/03/93			
	5,236,407	Wang	08/11/93			
	5,242,343	Miller	09/07/93			
	5,246,410	Fuz	09/21/93			
	5,251,742	Campbell	10/12/93			
	5,254,067	Habing et al.	10/19/93			
	5,256,117	Potts et al.	10/26/93			
	5,263,910	Yang	11/23/93			
	5,267,923	Piaget et al.	12/07/93			
	5,277,677	Terauds	01/11/94			
	5,279,528	Dalebout et al.	01/18/94			
	5,282,776	Dalebout	02/01/94			
	5,282,992	Reichgott	02/01/94			
	5,290,204	Lee	03/01/94			
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	5,290,211	Stearns	03/01/94			
	5,299,992	Wilkinson	04/05/94			
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	5,318,490	Henderson et al.	06/07/94			
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	5,322,491	Wanzer et al.	06/21/94			
	5,323,784	Shu	06/28/94			
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Gary Piaget et al.

Appln. No. 10/789,182

Filed: February 26, 2004

For: DUAL DECK EXERCISE DEVICE

Confirmation No.: 5273

Group Art Unit: 3764

Examiner: Not Yet Assigned

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1. Information Disclosure Statement (Under 37 C.F.R. § 1.97(b)(3) and § 1.98) and Statement of Relatedness (Under M.P.E.P. § 2001.06(b)) (4 pages);
2. Information Disclosure Statement by Applicant (Form PTO-1449) (11 pages);
3. 50 references;
4. Certificate of Mailing by Express Mail (1 page); and
5. Return Card.

relating to the above application, were deposited as "Express Mail," Mailing Label No. EV 410 060 526 US with the United States Postal Service, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 6 day of

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